

1 HASSARD BONNINGTON LLP
2 Thomas M. Frieder, Esq. (SBN No. 95411)
3 Email: tmf@hassard.com
4 Kendra J. Pappas, Esq. (SBN No. 226992)
5 Email: kjp@hassard.com
6 Two Embarcadero Center, Suite 1800
7 San Francisco, California 94111-3941
8 Telephone: (415) 288-9800
9 Fax: (415) 288-9801

10 Attorneys for Defendant
11 BAUSCH & LOMB, INC.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOANNA KINZEL and BRENT
KINZEL,

Plaintiffs,

vs.

BAUSCH & LOMB, INC., BAUSCH
& LOMB SURGICAL, INC.,
TECHNOLAS GMBH PERFECT
VISION and DOES ONE through ONE
HUNDRED,

Defendants.

No. CV-12-4260 MMC

**STIPULATION AND
[PROPOSED] ORDER
RELATING TO DATES AND
DEADLINES FOR CASE
MANAGEMENT
CONFERENCE, STATEMENT,
INITIAL DISCLOSURES,
REPORTS AND ADR**

[L.R. 7-12]

STIPULATION

On August 13, 2012, an Order Setting Initial Case Management Conference and ADR Deadlines was entered by the Honorable Maria Elena James. Pursuant to that Order, October 25, 2012 was set as the last day to: (1) meet and confer regarding initial disclosures, early settlement, ADR process selection and discovery plan [Fed. R. Civ. P. 26(f) & ADR L.R. 3-5]; (2) file the ADR Certification signed by the Parties and Counsel [Civ. L.R. 16-8(b) & ADR

1 L.R. 3-5(b)]; and (3) file either Stipulation to ADR Process or Notice of Need for
2 ADR Phone Conference [Civ. L.R. 16-8(c) & ADR L.R. 3-5(b) & (c)]. The
3 Order further set November 8, 2012 as the last day for the parties to file a Rule
4 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report
5 and file a Joint Case Management Statement [Fed. R. Civ. P. 26(a)(1) & Civ.
6 L.R. 16-9]. The Order scheduled an Initial Case Management Conference on
7 November 15, 2012. The Order further provided that if the Initial Case
8 Management Conference was continued, the other deadlines are continued
9 accordingly. Given the 15-day change in the setting of the Initial Case
10 Management Conference, the parties understand that the matters for which there
11 was a deadline of October 25, 2012 currently have a deadline of November 9,
12 2012, and that the matters that had a deadline of November 8, 2012 currently
13 have a deadline of November 21, 2012.

14 On September 28, 2012 this Court entered a Reassignment Order, which
15 reassigned the action to the Honorable Maxine M. Chesney and vacated the hearing
16 dates scheduled by the prior order. On October 16, 2012 the Court entered a Case
17 Management Order resetting the initial Case Management Conference to November
18 30, 2012 and setting the deadline for filing a Joint Case Management Conference
19 Statement to no less than seven (7) days prior to the conference (i.e., November 21,
20 2012 given that November 22 and November 23, 2012 are court holidays). At the
21 request of plaintiffs' counsel, the Court recently issued an Amended Order
22 Appointing an International Process Server with respect to the remaining
23 defendant. Counsel for plaintiffs and counsel for Bausch & Lomb, Inc. have met
24 and conferred, and have reached an agreement for certain limited discovery and
25 an early mediation, and it is anticipated that the remaining defendant will join in
26 that agreement after proper service of process has taken place. Plaintiffs and
27 Bausch & Lomb, Inc. respectfully request that the Court extend the current
28

1 deadlines, and continue the current Case Management Conference, so that they
2 will have an opportunity to participate in the agreed matters and determine
3 whether the matter can be concluded at that stage.

4 Plaintiffs and Bausch & Lomb, Inc. agree that this action's procedural
5 status warrant an adjustment of the dates and deadlines previously set by the Court's
6 operative orders. The parties hereby stipulate to adjustments to deadlines, as set forth
7 in the Order Setting Initial Case Management Conference and ADR Deadlines, filed on
8 August 13, 2012, and which have been extended due to the change in the Case
9 Management Conference, and to the Case Management Conference and deadline to file
10 the Joint Case Management Conference Statement, as follows.

11 The last day for the parties to perform the following is hereby
12 adjusted from November 9, 2012 to February 18, 2013: (1) meet and confer
13 regarding initial disclosures, early settlement, ADR process selection, and
14 discovery plan [Fed. R. Civ. P. 26(f) & ADR L.R. 3-5]; (2) file the ADR
15 Certification signed by Parties and Counsel [Civ. L.R. 16-8(b) & ADR L.R. 3-
16 5(b)]; and (3) file either Stipulation to ADR Process or Notice of Need for ADR
17 Phone Conference [Civ. L.R. 16-8(c) & ADR L.R. 3-5(b) & (c)].

18 The last day for the parties to file a Rule 26(f) Report, complete
19 initial disclosures or state objection in Rule 26(f) Report, is hereby adjusted from
20 November 21, 2012 to March 4, 2013.

21 The initial Case Management Conference is re-set from November
22 30, 2012 and now will be held before the Honorable Maxine M. Chesney in
23 Courtroom No. 7, 19th floor Federal Building at 10:30 a.m. on March 11, 2013.

24 The deadline to file a Joint Case Management Conference
25 Statement addressing each agenda item listed in the *Standing Order for All*
26 *Judges of the Northern District of California/Contents of Joint Case*
27 *Management Statement* is no less than seven (7) days before the conference

1 (i.e., March 4, 2013).

2

3 IT IS SO STIPULATED.

4

5 DATED: October 10, 2012

HASSARD BONNINGTON LLP

6

7

By /s/ Thomas M. Frieder

8

9

Thomas M. Frieder
Attorneys for Defendant
Bausch & Lomb, Inc.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

DATED: October 29, 2012

WALKUP, MELODIA, KELLY &
SCHOENBERGER

By Doris Cheng
Doris Cheng
Attorneys for Plaintiffs
JOANNA KINZEL and BRENT KINZEL

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, with the exception that the Case Management Conference is CONTINUED to Friday, March 15, 2013, at 10:30 a.m.

DATED: October 31, 2012

Majine M. Cheney
UNITED STATES DISTRICT JUDGE